

Abstract

A key challenge in managing migration at the EU level has been ‘combatting’ of irregular immigration. The present book addresses perhaps one of the most pressing structural problems regarding the EU’s return policy: the enforcement deficit in returning migrants who stay irregularly. Only 40 per cent of return decisions are actually enforced. Possible solutions are found in the national legal frameworks of selected EU Member States, which is why Germany, Austria and Spain are examined comparatively. These three Member States target the status of ‘irregular residence’ through a differentiated system of regularisations. Regularisations represent an alternative to returns and these legal instruments can be understood as any legal decision that grants migrants a legal residence. They terminate the irregular stay of migrants through granting residence permits rather than through deportation. This analysis leads to the following thesis: irregular immigration can be ‘fought’ more effectively with EU Law Regularisations on the EU level, which would effectively complement the existing rules of the EU return policy.

